

MANDATE

S.D.N.Y.-N.Y.C.
10-cv-1335
Abrams, J.
Francis, M.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 23rd day of April, two thousand thirteen.

Present:

Guido Calabresi,
Debra Ann Livingston,
Gerard E. Lynch,
Circuit Judges.

USDC SDNY
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Benihana National Corp., *et al.*,

Defendants-Petitioners,

v.

13-923

Guan Ming Lin, *et al.*,

Plaintiffs-Respondents.

Petitioners, through counsel, move, pursuant to Federal Rule of Civil Procedure 23(f), for leave to appeal the district court's order granting Respondents' motion for class certification. Upon due consideration, it is hereby ORDERED that the petition is DENIED because an immediate appeal is unwarranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139-40 (2d Cir. 2001).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

Catherine O'Hagan Wolfe

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Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe
SAO-MLM



MANDATE ISSUED ON 04/23/2013